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Attorneys for Defendant
PATRICK DONAHOE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHIRLEY MAHONEY,

Plaintiff,

v.

PATRICK DONAHOE, Postmaster General,
United States Postal Service,

Defendant.

No. C 11-00177 MEJ

**STIPULATION AND [PROPOSED]
PROTECTIVE ORDER RE EEO
COMPLAINTS AND OTHER
CONFIDENTIAL INFORMATION
WHICH MAY BE PRODUCED BY
DEFENDANT**

Subject to the approval of this Court, plaintiff Shirley Mahoney, *pro se*, and defendant Patrick Donahoe, through his counsel of record in this action, hereby stipulate to the following protective order as follows:

WHEREAS, plaintiff seeks the production of certain documents relating to EEO complaints brought against defendant and against certain of defendant's employees;

STIP. & [PROPOSED] PROTECTIVE ORDER RE EEO COMPLAINTS & OTHER CONFIDENTIAL INFO. WHICH MAY BE PRODUCED BY DEF.
C 11-00177 MEJ

1 WHEREAS, defendant considers the requested documents to be protected by the Privacy
 2 Act of 1974 (the "Privacy Act"), 5 U.S.C. § 552a, which may not be disclosed except pursuant to
 3 certain conditions, one of which is "pursuant to the order of a court of competent jurisdiction,"
 4 5 U.S.C. § 552a(b)(11);

5 WHEREAS, in the course of this litigation, there may be other information that the
 6 parties consider protected or confidential and desire to produce subject to a protective order;

7 WHEREAS, the parties agree that entry of the following protective order is necessary in
 8 order to: (1) facilitate discovery of information without document by document controversy
 9 concerning confidentiality; (2) protect employees or former employees of the United States
 10 Postal Service from annoyance, embarrassment, oppression, or undue burden or expense
 11 resulting from public disclosure or use for purposes other than this litigation of confidential
 12 information that the parties may disclose in discovery; and (3) avoid violation of the Privacy Act;

13 THEREFORE, the parties jointly request that the Court enter the following stipulated
 14 protective order pursuant to Federal Rule of Civil Procedure 26(c).

15 **STIPULATED PROTECTIVE ORDER**

16 All documents and electronically stored information produced by defendant in response
 17 to discovery requests made under the Federal Rules of Civil Procedure, or produced by defendant
 18 pursuant to any initial or other disclosure requirement, which are designated in writing as being
 19 "Produced Under Protective Order" (the "Protected Documents") shall be subject to the below-
 20 numbered restrictions. The Protected Documents may include but are not limited to documents
 21 contained within any EEO file, medical file, injury compensation file, or personnel file of any
 22 person.

23 1. The Protected Documents and the information contained therein shall be used
 24 only for the purpose of this litigation and not for any other purpose.

25 2. Neither the Protected Documents nor the information contained therein shall be
 26 disclosed to anyone other than (a) the parties; (b) the parties' attorneys of record, if any, and the
 27 attorneys' staff; (c) actual or potential third-party witnesses; (d) outside experts or consultants
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1 retained by any of the parties or their counsel for purposes of this litigation; (e) the Court in
2 further proceedings herein; (f) stenographic deposition reporters; and (g) other persons upon
3 whom the parties mutually agree in writing.

4 3. There shall be no reproduction of the Protected Documents, except that, as
5 required by the litigation, copies, excerpts, or summaries may be shown to those authorized in
6 Paragraph 2.

7 4. Except as otherwise provided in Paragraphs 2 and 3, all of the Protected
8 Documents shall remain in the custody of the plaintiff or plaintiff's attorney of record, if any,
9 during the pendency of the litigation.

10 5. Within 30 days after the final disposition of this action, plaintiff or plaintiff's
11 attorney of record, if any, shall return all of the Protected Documents, including copies, extracts
12 or summaries thereof, to defendant's counsel of record or destroy such material. "Final
13 disposition" shall be deemed to be the later of (1) dismissal of all claims and defenses in this
14 action, with or without prejudice; or (2) final judgment herein after the completion and
15 exhaustion of all appeals, rehearings, remands, trials, or reviews of this action, including the time
16 limits for filing any motions or applications for extension of time pursuant to applicable law.
17 Whether the Protected Documents are returned or destroyed, plaintiff or plaintiff's attorney of
18 record, if any, must submit a written certification to defendant's counsel of record by the 30-day
19 deadline certifying that all of the Protected Documents were returned or destroyed.
20 Notwithstanding this provision, plaintiff or plaintiff's attorney of record, if any, may retain one
21 archival copy of all pleadings, motion papers, trial, deposition, and hearing transcripts, legal
22 memoranda, correspondence, deposition and trial exhibits, expert reports, attorney work product,
23 and consultant and expert work product, even if such copy contains any of the Protected
24 Documents. Any such archival copy that contains any of the Protected Documents remains
25 subject to this Protective Order as set forth in paragraph 6.

26 6. Even after final disposition of this litigation, the confidentiality obligations
27 imposed by this Protective Order shall remain in effect unless and until defendant agrees
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1 otherwise in writing or a Court order otherwise directs.

2 7. This Stipulation and Protective Order is without prejudice to the right of any party
3 to seek modification of it from the Court. It shall remain in effect until such time as it is
4 modified, amended or rescinded by the Court and shall survive termination of this action. The
5 Court shall have continuing jurisdiction to modify, amend, or rescind this Stipulation and
6 Protective Order notwithstanding the termination of this action.

7 **IT IS SO STIPULATED.**

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10 DATED: 10-15-12

By: 

SHIRLEY MAHONEY
Plaintiff in Pro Per

MELINDA HAAG
United States Attorney

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15 DATED: 10/16/12

By: 

NEILL T. TSENG
Assistant United States Attorney
Attorneys for Defendant

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17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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20 DATED: October 16, 2012


HONORABLE MARIA-ELENA JAMES
UNITED STATES CHIEF MAGISTRATE JUDGE